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PATENT
27635-2

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: BROCK, et al Conf.: 3485
Appl. No.: 10/827,000 Art Unit: 3641
Filed: 04/19/2004 Examiner: CLEMENT, Michelle
For: LIQUID FILLED LESS LETHAL PROJECTILE

STATEMENT OF SUBSTANCE OF INTERVIEW

September 29, 2006

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

An interview was conducted with Examiner Michelle (Shelley) Clement on September 7, 2006. Present at the interview were Jaime H. Cuadros, one of the Applicants of this patent application, and Robert E. Goozner, local attorney for the Applicants.

The overall technology of the inventive field was discussed, along with the features of the present invention. Examiner Clement was shown a previously fired prototype of the projectile of the present invention. The prototype had a single layered cap with slits that went all the way through the cap. Examiner Clement noted that she did not expect the plastic

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Appl. No. 10/827,000

material of the projectile to be so hard as she inspected the projectile.

It was noted that allowed claims 1 and 16 of the present invention recite a nose cap, but that the nose cap comprises an inner hard nose cap covered by an outer soft nose cap. This claim terminology differs from the single-layered nose cap of the production prototype. As a result, it is preferable to amend claim 1 (or to have another independent claim) to remove the phrase "comprising an inner hard nose cap covered by an outer soft nose cap and" from lines 4 and 5. Additionally, the importance of having liquid filler with a specific gravity of about 2 was discussed.

The present invention was then compared to the Gibson patent. Gibson pertains to paint balls. Gibson at column 17, lines 6-12 discusses scoring the projectile to promote fracturing. In contrast, the slits of the present invention are not to promote fracture, but are to promote deformation or reforming to an open state (specification at page 7, lines 3-6). The fluid of Gibson is also a vegetable dye dissolved in water (which has a specific gravity of about 1), which is fundamentally different from the dense liquid (specific gravity of about 2) of the present invention.

By the end of the interview, Examiner Clement appeared to agree that the present invention might be better claimed to

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define over Gibson. Examiner Clement proposed that amending the claims to recite that the slits go entirely from outside to inside of the upper nose portion would be helpful. Also, reciting a fluid having a specific gravity of about 2 will also help to define the present invention over Gibson. Additionally, if any data can be presented showing the criticality of the specific gravity of the present invention, Examiner Clement indicated that this would be helpful in demonstrating the patentability of the invention. Jaime Cuadros noted that he had generated some computer simulations that show the criticality of the specific gravity.

At the end of the Interview, Examiner Clement prepared an Interview Summary, which stated:

Applicant discussed the background of the art and current invention and differences. Discussed putting in language of slits going entirely from outside to inside of upper nose portion. Discussed filing either divisional or RCE.

Respectfully submitted,

LEWIS BRISBOIS BISGAARD & SMITH, LLP

By 

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September 29, 2006

FILE NO.

27635-2

To:	USPTO Patent Office General Line	Phone Number	Fax Number
			571-273-8300
From:	Sanford Astor, Esq. (customer no. 33417)		
Page(s):	5		
File No(s):	27635-2		
Re:	U.S. Utility Patent Application No. 10/827,000 Inventor(s): Brock et al.		

Message: Enclosed are the transmittal letter and Statement of Substance of Interview for the above-referenced application.

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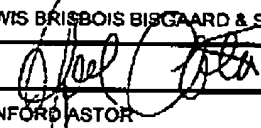
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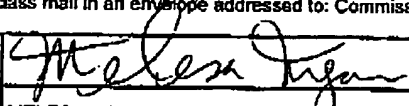
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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/827,000	RECEIVED CENTRAL FAX CENTER SEP 29 2006
	Filing Date	APRIL 19, 2004	
	First Named Inventor	CHRISTOPHER V. BROCK	
	Art Unit	3641	
	Examiner Name	CLEMENT, MICHELLE	
Total Number of Pages in This Submission	4	Attorney Docket Number	27635-2

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): STATEMENT OF SUBSTANCE OF INTERVIEW
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm Name	LEWIS BRISBOIS BIGGAARD & SMITH LLP	
Signature		
Printed name	SANFORD ASTOR	
Date	SEPTEMBER 29, 2006	Reg. No. 20,748

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